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Appendices to the Snake River: Milner Dam to King Hill plan are compiled in a separate document, available from the Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706.

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I. INTRODUCTION

Authority

(1988 Idaho Session Laws 1091, c. 370, Section 1)

(Relating to the Development of a Comprehensive State Water Plan)

"The legislature finds and declares that a central component of state sovereignty is the inherent right of the state to regulate and to control the natural resources of the state. In a state such as Idaho, it is essential that this state exercise its full authority to manage its water. To that end, it is the purpose of this act to provide for the full exercise of all the state's rights and responsibilities to manage its water resource."

Idaho Code 42-1734A

1988 Amendment of 1965 Legislation

(1) "The Idaho Water Resource Board shall, subject to legislative approval, progressively formulate, adopt and implement a comprehensive state water plan for conservation, development, management and optimum use of all unappropriated water resources and waterways of this state in the public interest. As part of the comprehensive state water plan, the board may designate selected waterways as protected rivers as provided in this chapter"

(2) "The board may develop a comprehensive state water plan in stages based upon waterways, river basins, drainage areas, river reaches, ground-water aquifers, or other geographic considerations."

Idaho Code 42-1734H

1988 Amendment of 1965 Legislation

(1) "The board shall designate the following waterways as interim protected rivers pursuant to section 42-1734D, Idaho Code (c) Snake River from Section 5, Township 11 South, Range 20 East, B.M. to King Hill."

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With the approval of HB780 in 1988, the Idaho Legislature redirected state water planning efforts. The Idaho Water Resource Board was given the task of developing a state water plan incorporating comprehensive plans for river basins, river reaches, or other geographic regions. Comprehensive basin plans and a state protected rivers system are logical additions to the Idaho State Water Plan, a collection of policies designed to direct water use in the state. HB780 also directed the Board to place a number of river reaches under interim protection with the goal of identifying those reaches deserving designation as part of a state protected rivers system.

House Bill 780 became law on July 1, 1988. Accordingly, on that date the Idaho Water Resource Board designated the Snake River, from Section 5, Township 11 South, Range 20 East, B.M. to King Hill as an interim protected river. Using their new authorities (Idaho Code 42-1734D), the Water Resource Board prohibited for the duration of interim protection:

- (a) construction or expansion of dams or impoundments;
- (b) construction of hydropower projects;
- (c) construction of water diversion works;
- (d) dredge or placer mining;
- (e) alterations of the stream bed; and
- (f) mineral or sand and gravel extraction within the stream bed.

An initial draft plan for the Middle Snake reach was reviewed at a Public Information Meeting on May 17, 1990, in Twin Falls, and the public was invited to comment and testify on the draft at a June 4, 1990, public hearing. After the formal public hearing the Board deferred action on a plan for the Middle Snake reach. The 1991 Idaho Legislature re-established interim protection for the Middle Snake at the urging of local county government officials. The county officials cited local concern about water quality and development in the reach as the rationale for continued protection and planning.

In developing a plan for any waterway or geographic area, the Board is expected to identify goals and objectives, as well as make recommendations for improving, developing, or conserving the water resources of the waterway or area. The Water Board cannot regulate non-riverine activities except through recommendations concerning the allocation of water, nonetheless their planning activities must consider the existing and potential uses for:

- (a) navigation;
- (b) power development;
- (c) energy conservation;
- (d) fish and wildlife;
- (e) recreational opportunities;
- (f) irrigation;
- (g) flood control;
- (h) water supply;
- (i) timber;
- (j) mining;
- (k) livestock watering;
- (l) scenic values;
- (m) natural or cultural features;
- (n) domestic, municipal, commercial, and industrial uses; and
- (o) other aspects of environmental quality and economic development.

Only after considering these values can the Water Resource Board make recommendations for the use of an area's water resources including the merits of state protected river designation.

Goals

The plan for the Middle Snake reach is prepared at a reconnaissance level, giving a general assessment of problems and demands and identifying their location. Water management and current issues are delineated, and all potential uses of the river are considered. It is intended that both the formulation of a plan and its implementation will provide for a balance of environmental, economic, social, and political factors.

In adopting a comprehensive state water plan the Board is guided by these criteria (Idaho Code 42-1734A):

1. Existing rights, established duties, and the relative priorities of water established in the Idaho Constitution shall be protected and preserved.
2. Optimum economic development in the interest of and for the benefit of the state as a whole shall be achieved by the integration and coordination of the use of water, the augmentation of existing supplies, and the protection of designated waterways for all beneficial purposes.
3. Adequate and safe water supplies for human consumption and maximum supplies for other beneficial uses shall be preserved and protected.
4. Minimum stream flow for aquatic life, recreation and aesthetics, minimization of pollution, and the protection and preservation of waterways shall be fostered and encouraged, and consideration shall be given to the development and protection of water recreation facilities.
5. Watershed conservation practices consistent with sound engineering and economic principles shall be encouraged.

II. PLANNING PROCESS

The planning process encompasses: (1) developing an inventory of resource attributes, (2) assessing current and potential water uses and constraints, (3) identifying local issues, concerns, and goals specific to water use in the Middle Snake reach, (4) formulating development, improvement, and/or conservation policy alternatives, and (5) guided by public interest, setting forth actions and recommendations relative to improving, developing, and conserving the water resources of the Middle Snake Reach. Figure 1 outlines the planning process.

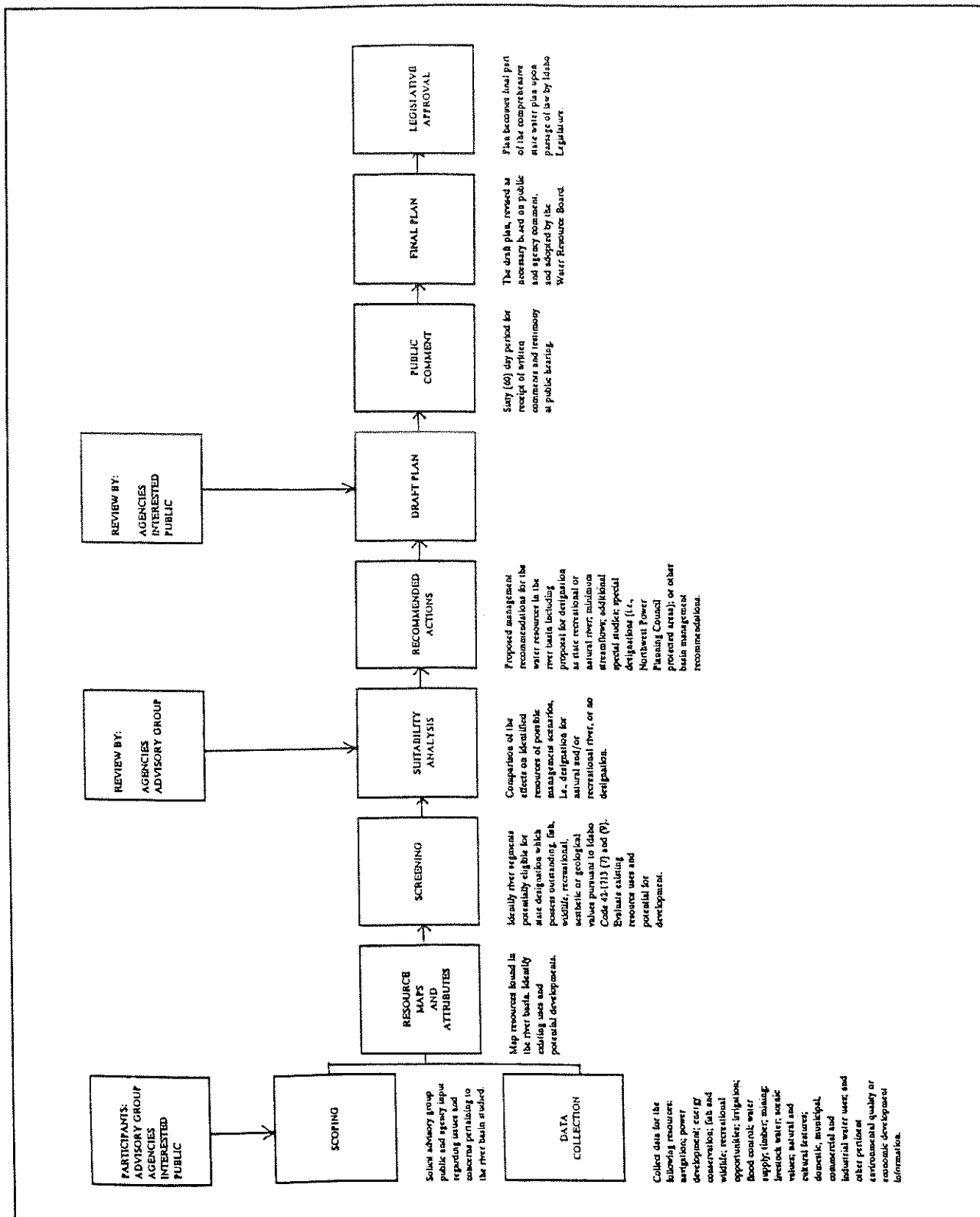


Figure 1. Planning process schematic.

The plan, in keeping with legislation, identifies river segments with outstanding fish and wildlife, recreational, aesthetic or geologic value, and then evaluates the environmental and social impacts of their designation as state protected rivers. If the Board determines that the values of preserving the waterway in its existing state outweigh the values of continued development, it can, subject to legislative approval, prohibit a number of activities from occurring within the stream channel in an effort to protect existing values and uses.

Screening evaluates the uniqueness, rarity or significance of the resource from a national, regional, and/or local perspective; the degree of protection accorded the resource through statute, regulation, rules, or agency management policy; and the potential for resource impact or opportunity to mitigate. River segments with at least one "Outstanding" evaluation for fish, wildlife, recreation, geologic or scenic values are judged eligible for consideration as possible state protected rivers. Specific criteria for resource evaluation are described in Section III, pp. 7-22, and Appendix C: Screening for Outstanding Values.

River segments with outstanding resource values, identified during screening, are assessed for State protection with a spectrum of alternatives that encompass development, improvement, and conservation of resources. A comparison is made of the effects that the possible policy scenarios, such as a protection designation or a recommendation for development, might have on identified resources and resource uses. This involves an evaluation of the existing and potential water constraints and the issues for each stream reach, including: (1) water allocations and projected uses; (2) water quality; (3) power development; (4) flood control; and, (5) water and energy conservation.

Information, figures, and statistics for this plan were obtained through literature review, field reconnaissance, contact with management agency personnel, and public scoping and review. Maps of resource data were prepared at a scale of 1:100,000 using a geographic information system (GIS). Resource data were reviewed for accuracy by the local Advisory Group, agencies, and interested public.

Public Involvement

Public involvement is an important part of the planning process, and is necessary in assessing viewpoints and conditions in the planning area. The opportunity for public discussion and input was provided at the local, state, and federal levels as plan formulation moved through various phases. Rules and regulations of the Water Resource Board require formation of a local advisory group to "inform the Board of local concerns" (Rule 5,1,2). A Middle Snake Advisory Group was formed in

January 1992. The Advisory Group met five times to identify local issues of concern, provide information to planning staff, and review evaluations and alternative plan proposals. The advisory group represents many of the local governments, water-user organizations, and other interested parties. A listing of Advisory Group members and a summary of public and Advisory Group meetings is furnished in Appendix A.

In addition to input from the local Advisory Group, public scoping meetings were held March 10, 1992 in Hagerman and March 12, 1992 in Twin Falls, to listen to general public comment regarding basin issues. A questionnaire concerning current use, potential water development, and conservation was given to those who attended the meetings, and mailed to interested individuals upon request. Concerns and ideas expressed by the public at the scoping meetings were:

- (a) Water quality monitoring and remediation
- (b) Need to protect free-flowing reaches
- (c) Coordination with other agencies and local plans
- (d) Consider "demand" rather than "supply" management for energy and water resources
- (e) The economic implications of remediation measures
- (f) The effect of water allocation in the Upper Snake on Mid-Snake flows
- (g) Need to monitor/measure water diversions
- (h) Concern for recreational opportunities, aesthetic features, and public access
- (i) Need to increase flow in the Middle Snake reach
- (j) Need to provide allowances for hydropower development

The Draft Plan for the Middle Snake reach was released to the public January 6, 1993. Public information meetings and formal public hearings were held in Hagerman and Twin Falls in January and February, 1993 to discuss and receive comment on the Draft Plan. One-hundred and twenty people attended the formal hearings, 40 people testified regarding the plan, and 88 written comments were received by the Board prior to close of the 62 day comment period on March 8, 1993.

After consideration of this record, the Board reviewed the present and proposed uses of the river segments relative to protective actions, and determined protected status for each of the designated river segments and what activities to prohibit. Following adoption by the Board, the Plan will be presented to the Idaho Legislature for its consideration as required by Section Idaho Code 42-1734B. The Middle Snake plan is a component of the comprehensive State Water Plan of the Idaho Water Resource Board.

Amendments

Because public concerns, values, and demands change over time, the Board must be flexible and responsive to changing circumstances. Therefore, the Comprehensive State Water Plan must be reevaluated over time, and adjusted as needed.

The Board will amend the Comprehensive State Water Plan when it determines that revisions are in the public interest. The Board will consider proposals for amendment to the plan from private parties as well as state agencies. In the event the Board determines that a proposal will not substantially impair the values which were the basis of a protected river designation, the Board shall follow the public hearing process and procedures required for the adoption of the original plan (Idaho Code Sections 42-1734A and B). The Board shall determine whether or not to amend the plan after weighing the impact the uses allowed by the proposed amendment would have on the other uses and values which were the basis of the original action or recommendation. In addition, the Board shall review and reevaluate the Comprehensive State Water Plan at least every five years (42-1734B(7)). All amendments to the state water plan shall be submitted for review and possible amendment by the Idaho Legislature as required by law (42-1734B).

III. SCREENING FOR OUTSTANDING VALUES

Fish, wildlife, recreation, scenic and geological resources, pursuant to Idaho Code 42-1731(7) and (9), were identified and evaluated for the Middle Snake reach. This evaluation or "screening" considered the uniqueness, rarity or significance of the resource from a national, regional, and/or local perspective; the degree of protection accorded the resource through statute, regulation, rules, or agency management policy; and the potential for resource impact or opportunity to mitigate. River segments with at least one "Outstanding" evaluation for fish, wildlife, recreation, geologic or scenic values were judged eligible for consideration as possible state protected rivers. Resource attribute categories are based on the following general criteria:

Value of the Resource: The uniqueness, rarity or significance from a national, regional and/or local perspective, including the level of public concern.

Regulation or Agency Policy: The degree of protection accorded the resource through statute, regulation, rules, or agency management policy.

Detailed inventories are provided in Appendix C: Screening for Outstanding Values.